UNITED STATES PATENT AND TRADEMARK OFFICE

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10/695,259	10/27/2003	Wai-Tian Tan	200309936-1	4700

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 October 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>27 October 2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6/6/05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed October 27, 2003.

2.   Claims 1-33 have been examined. Claims 1, 12 and 23 are independent claims.

Priority

3.   The priority date considered for this application is October 27, 2003.

Oath/Declaration

4.   The Office acknowledges receipt of a properly signed oath/declaration filed October 27, 2003.

Information Disclosure Statement

5.   The Office acknowledges receipt of the Information Disclosure Statement filed June 6, 2005. It has been placed in the application file and the information referred to therein has been considered.

Drawings

6.   The drawings, filed October 27, 2003, are objected to because of the following informalities:

        a.   Figures 1, 2 , 3 and 4 should be labeled as Prior Art;

        b.   Figures 1-5 and 7-8 are informal.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended."

If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7.   The specification is objected to because of the following minor informalities:

a.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

b.   The use of trademarks, such as HP, Procurve 530 has been noted in this application (p. 10, line 12). Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in a manner which might adversely affect their validity as trademarks.

To expedite correction on this matter, the examiner suggests the following guidelines for Applicant to follow in amending the specification:

i.   capitalize each letter of a trademark or accompany the trademark with an appropriate designation symbol, e.g., ™ or ®, as appropriate;

ii.   use each trademark as an adjective modifying a description noun.

For example, it would be appropriate to recite "the JAVA platform" or "the

JAVA programming language." Note that in these examples, "platform" and

"programming language" provide accompanying generic terminology,

describing the context in which the trademark is used. By itself, the trademark

JAVA specifies only the source of the so-labeled products, namely SUN

Microsystems, Inc.

Claim Rejections – 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102
that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

   (1) an application for patent, published under section 122(b), by another filed in the United States
before the invention by the applicant for patent, or

   (2) a patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty defined in
section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United
States and was published under Article 21(2) of such treaty in the English language

9.   Claims 1-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.
Patent No. 6,785,704 to McCanne.

Claim 1

McCanne discloses at least *a method for dynamically configuring a network
component, comprising:*

receiving a request for content from a first network connected component (see at least FIG.
6, request from client 12 received by 50 via 38);

determining a type of media service needed for at least a portion of said content (see at least 4:16-26)*; and*

configuring a data relaying component (see at least FIG. 6, components 38, 50) *to forward said at least a portion of said content from a second network connected component* (see at least FIG. 6, components 14, 26, 52) *to a third network connected component* (see at least FIG. 6, component 54)*to receive said type of media service.*

Claim 2

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said step of receiving said request for content is performed by a network connected server* (see at least FIG. 6, component 14).

Claim 3

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said request is for streaming media content* (see at least 4:16-26).

Claim 4

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said first network connected component is a client device* (see at least FIG. 6, Client 12).

Claim 5

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said second network connected component is a content server* (see at least FIG. 6, components 14, 26, 52).

Claim 6

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said third network connected component is a media service component which receives said content, performs a media service and transmits the content to a client device* (see at least FIG. 6, component 54).

Claim 7

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said configuring is performed by a real time streaming protocol (RTSP) server* (see at least 20:1-13; 25:43-56; 28:9-51; 29:5-32).

Claim 8

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said content is redirected, while en route to said first network connected component, to said third network connected component* (see at least FIG. 6, the routing by components 38, 50, 26, 52).

Claim 9

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said request is redirected using Internet domain name service (DNS) based redirection techniques* (see at least Abstract).

Claim 10

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said content or request is redirected using a web cache communication protocol (WCCP) routing mechanism* (see at least 23:4-67).

Claim 11

The rejection of base claim 1 is incorporated. McCanne further discloses *wherein said server receives said request routed by said data relaying component, and supplies routing configuration instructions to said data relaying component to create or destroy a rule to route selected streams to a media service* (see at least 23:4-67).

Claim 12

Since Claim 12 is an independent claim that recites *a computer useable medium having computer useable code embodied therein causing a computer to perform* the same operations of method claim 1, the same rejection is thus applied.

Claim 13

The rejection of base claim 12 is incorporated. Since Claim 13 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 14

The rejection of base claim 12 is incorporated. Since Claim 14 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 15

The rejection of base claim 12 is incorporated. Since Claim 15 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 16

The rejection of base claim 12 is incorporated. Since Claim 16 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 17

The rejection of base claim 12 is incorporated. Since Claim 17 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 18

The rejection of base claim 12 is incorporated. Since Claim 18 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 19

The rejection of base claim 12 is incorporated. Since Claim 19 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 20

The rejection of base claim 12 is incorporated. Since Claim 20 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 21

The rejection of base claim 12 is incorporated. Since Claim 21 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 22

The rejection of base claim 12 is incorporated. Since Claim 22 recites the same feature of Claim 11, the same rejection is thus applied.

Claim 23

Since Claim 23 is an independent claim that recites *a server* (see at least FIG. 6, components 14, 40, etc.) *comprising:*

> *memory for storing a request for content from a first network connected component; and*

> *a processor coupled to said memory for* performing the same operations recited in method claim 1, the same rejection is thus applied.

It should be noted that a server is a computer comprising memory, such as RAM, ROM, and different storage medium (e.g., hard-drive, etc.) and one or more microprocessors. These components are deemed inherent to McCanne because without these components, the server disclosed by McCanne would be inoperable.

Claim 24

The rejection of base claim 23 is incorporated. Since Claim 24 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 25

The rejection of base claim 23 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 26

The rejection of base claim 23 is incorporated. Since Claim 26 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 27

The rejection of base claim 23 is incorporated. Since Claim 27 recites

the same feature of Claim 5, the same rejection is thus applied.

Claim 28

The rejection of base claim 23 is incorporated. Since Claim 28 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 29

The rejection of base claim 23·is incorporated. Since Claim 29 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 30

The rejection of base claim 23 is incorporated. Since Claim 30 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 31

The rejection of base claim 23 is incorporated. Since Claim 31 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 32

The rejection of base claim 23 is incorporated. Since Claim 32 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 33

The rejection of base claim 23 is incorporated. Since Claim 33 recites the same feature of Claim 11, the same rejection is thus applied.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

August 27, 2007

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